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Letter dated 14 March 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the third report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005).

The report details progress made in implementing the Commission's mandate as described in Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005) since the issuance of its last report on 10 December 2005 (S/2005/775). The third report outlines the status and progress of the investigation into the killing of former Lebanese Prime Minister Rafik Hariri and 22 others and highlights the progress made in consolidating the Commission's organizational structure and resources in the light of its both expanded and extended mandate. The consolidation provides critical continuity to the core work of the Commission and affords necessary technical assistance to the Lebanese authorities with regard to the investigation of the terrorist attacks perpetrated in Lebanon since 1 October 2004.

I wish to thank the staff of the Commission for their excellent work in extremely difficult circumstances. In particular, I wish to thank Serge Brammertz for his leadership in advancing the investigation and providing continuity in the Commission's work.

I should be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) Kofi A. **Annan**

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Third report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005)

Serge Brammertz
Commissioner

Beirut
14 March 2006

Summary

The Security Council requested the International Independent Investigation Commission to report to the Council on the progress of the inquiry, including on the cooperation received from the Syrian authorities, every three months from the adoption of resolution 1644 (2005) of 15 December 2005.

The third report details the status and progress of the investigation into the killing of former Lebanese Prime Minister Rafik Hariri and 22 others, and highlights the progress made in consolidating the Commission's organizational structure and resources in the light of its both expanded and extended mandate. The consolidation provides critical continuity to the core work of the Commission following the appointment of the new Commissioner, and allows it to afford necessary technical assistance to the Lebanese authorities with regard to the investigation of the terrorist attacks perpetrated in Lebanon since 1 October 2004, as requested by the Council in its resolution 1644 (2005).

In the critical area of cooperation with the Syrian Arab Republic, a common understanding has been reached on the operational modalities in such areas as the applicable legal framework, access to individuals, sites and information, and communications with the Government.

The report presents a number of conclusions in regard to the investigation of the assassination of Prime Minister Hariri, and the capacity of the Lebanese authorities to conduct their investigations into, at present, 14 other cases of assassination attempts, assassinations and explosions perpetrated in Lebanon since 1 October 2004.

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I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1644 (2005) of 15 December 2005, in which the Council requested the United Nations International Independent Investigation Commission to report to the Council on the progress of the inquiry every three months, including on the cooperation received from the authorities of the Syrian Arab Republic. It covers the progress made in implementing the Commission's mandate as laid out in Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005) since its previous report, dated 10 December 2005 (S/2005/775).

2. The third report details the status and progress of the investigation into the killing of former Lebanese Prime Minister Rafik Hariri and 22 others ("the Hariri investigation"), and highlights the progress made in consolidating the Commission's organizational structure and resources in the light of its both expanded and extended mandate. The consolidation provides critical continuity to the core work of the Commission, and allows it to afford necessary technical assistance to the Lebanese authorities with regard to the investigation of the terrorist attacks perpetrated in Lebanon since 1 October 2004, as requested by the Council in its resolution 1644 (2005).

3. The Commission's work has entered into a new phase, commensurate with the natural progression of any criminal investigation. It is developing a deeper understanding of the structural and political environment in which the crimes took place, an enhanced capacity to pursue new lines of inquiry, and a methodological approach to ascertain the reliability of information obtained, corroborate new evidence and findings, and, where appropriate, review initial leads and working assumptions.

4. In this phase, it remains critical for the success of the Commission's work to ensure the application of recognized standards of international and Lebanese law. The Commission is conscious of the fact that only a credible investigative process will be able to assist and guide the Lebanese authorities in their own investigations, and provide an accepted basis for the establishment of a tribunal, possibly of an international character, as requested by the Prime Minister of Lebanon in his letter to the Secretary-General dated 13 December 2005 (S/2005/783, annex), and reflected in resolution 1644 (2005). In anticipation of the latter, the Commission has enhanced the identification, planning, implementation and management of various support systems commensurate with cases of this complex nature.

5. While conscious of the high level of expectations surrounding its work, the Commission is encouraged by the Lebanese authorities' recognition of the need for a systematic and methodological approach to the investigation. This includes the application of internationally accepted investigative and legal standards and an awareness of the timescale realities required to pursue the investigations successfully, as already concluded by the Commission in its previous reports.

6. The investigation of the blast that killed former Prime Minister Hariri and 22 other victims has advanced further. Based on a systematic evaluation of available but previously not tracked forensic evidence, the Commission has moved closer to establishing the exact circumstances and modus operandi of the blast. This will provide a critical link in the chain of evidence needed to identify and hold accountable those who are perpetrators, sponsors, organizers and accomplices of the

crime. The Commission, however, does not deem it appropriate, at this stage, to disclose further details of its work as this may unnecessarily threaten the security of witnesses, compromise the collection of future evidence and undermine the outcome of the investigation as a whole. The Prosecutor General of Lebanon agrees with this approach.

7. The Commission has continued to share, on a regular basis, information and results of the Commission's investigative efforts with the relevant Lebanese authorities and has broadened its dialogue with law enforcement and the judicial authorities to identify areas in which the Commission can best assist the Lebanese efforts.

8. Moreover, since receiving authorization by the Security Council in its resolution 1644 (2005), the Commission has directed part of its capacity to the task of extending technical assistance to the Lebanese authorities with regard to the investigations of the assassination attempts, assassinations, and explosions perpetrated in Lebanon since 1 October 2004. This has involved the provision of legal, forensic and analytical expertise and cooperation to the Lebanese authorities in their investigation of, at present, 14 cases.

9. International cooperation remains key to successfully discharging the Commission's mandate. To that end, progress has been made in the critical area of cooperation with the Syrian Arab Republic. In view of the difficulties encountered by the Commission in the past in accommodating its requests for cooperation, the Commission held two high-level meetings, in Damascus and in Beirut, with senior Syrian Government officials. A common understanding has been reached on the operational modalities in such areas as access to individuals, sites and information, witness/suspect interviews, the applicable legal framework and communications with the Government. This understanding will be tested in the upcoming months.

10. In this context, the Commission has reaffirmed the legal framework of its operations and activities, which is principally formed by the body of relevant Security Council resolutions, most notably resolutions 1595 (2005), 1636 (2005), and 1644 (2005) and the recognized standards of international criminal law, taking into account Lebanese and other national law where consistent with these standards.

11. During the reporting period, the Commission was also required to direct considerable time and effort at the consolidation of its internal structure and capacity. Uncertainties surrounding the actual length of the Commission's mandate had led to the gradual departure of significant numbers of key staff, primarily investigators, and posed a challenge to the incoming Commissioner's endeavours to ensure continuity and a seamless transition. The Commission reviewed its entire staffing table, developed a new budget and appropriate job descriptions, and recruited a number of new staff members, in part by approaching international judicial/law enforcement institutions as well as Member States.

12. All staff members presently employed are equipped with the skills, qualifications, and experience needed to conduct complex terrorism investigations and international criminal law enforcement activities. Reconciling the focus on staff security with the need to maintain staff morale and the high levels of commitment and professionalism in a volatile and restrictive environment continues to be a priority for the Commission's senior management.

II. Progress in the investigation

A. Support mechanisms

13. During the reporting period, the Commission introduced a number of essential support mechanisms (for more detail, see chap. V below) to further strengthen the investigation process, including an operational analysis capacity; a legal advisory and analysis capacity; forensic coordination and analysis capacity; an information systems management capacity commensurate with the complexity of the case; standard operating procedures for investigative work such as interviews of witnesses and suspects; minimum legal and operational standards for interpreters and translators; the procurement of electronic analysis tools and case management software; specialist skills, such as anti-terrorism expertise, as and when required; and a rolling recruitment process to provide continuity and depth to the investigation effort. These core functions within the investigative process are crucial to conduct complex patterns analysis, manage extensive amounts of communications data and identify linkages.

B. Methodology

14. In pursuing the investigation into the assassination of former Prime Minister Hariri and 21 other named victims,[1] the Commission, since January 2006, has been following a three-pronged approach: (a) review of collected information and evidence; (b) analysis of existing information and evidence; and (c) pursuit of selected existing or identified new lines of inquiry. While shifting in their relative emphasis, all three core objectives are being advanced, simultaneously, to ensure balanced strategic direction and continued forward momentum.

15. First, the Commission undertook a review of all intelligence, information and evidence collected since the inception of its work in June 2005. The review has included an assessment of the manner and rationale for the collection of this large volume of material as well as an evaluation of the evidentiary standard and legal thresholds applied. All key collection categories (i.e., crime scene, execution of the assassination operation, linkages to alleged perpetrators, perpetrator involvement and target identification) have been subjected to this process. This review has been nearly completed.

16. Secondly, the Commission has established a multidisciplinary investigative capacity to analyse and review existing and new intelligence, information and evidence, in order to assess its value for the development of the case. Such capacity is essential to effective investigative work and to assess any modifications in the case direction.

17. Third, the Commission continues to pursue selected existing lines and newly identified lines of inquiry while ensuring the application of minimum international

[1] Zahi Abou-Rjeyleh, Yehya Al-Arab, Mohammed Al-Ghalayini, Abdul Hamid Al-Ghalayini, Mahmoud Saleh Al-Khalaf, Sobhi Al-Khodr, Omar Al-Masri, Mahmoud Hamad Al-Mohammad, Joseph Aoun, Alaa Asfour, Rima Bazzi, Abdu Bou-Farah, Mazen Dahabi, Yamama Damen, Mohammed Darweesh, Bassel Fouleyhan, Rawad Haydar, Farhan Issa, Talal Nasser, Haytham Ousman and Ziad Tarraf. An unidentified body was also found.

operating and legal standards, at all times, in anticipation of a possible future judicial process.

18. Following the above-mentioned review of the existing sources, a decision has been taken to discontinue some of the previously identified leads, and to corroborate and ascertain the specific utility of some others to the case.

C. Current status of the investigation

1. Circumstances of the blast

Nature of the impact

19. The Commission has moved closer to establishing a unifying theory of the exact circumstances of the blast that killed Mr. Hariri, 21 other named victims and a single unidentified person, possibly one of the perpetrators. It has evaluated comprehensive supporting evidence, including forensic findings of how the crime was perpetrated and on the nature of the blast/s. It has also further examined the possibility of an above ground, underground or combination impact. Engaging the services of terrorism experts was of great help to the Commission and has produced valuable new insights into the means and methods used by the perpetrators on the day of the crime.

20. Since the beginning of the Commission's work, there have been numerous forensic reports, varying both in their terms of reference and the specificity of tasks undertaken. Over the past few weeks, all of these reports have been subjected to a comparative forensic analysis aimed at establishing areas of commonality or contradiction, gaps in their terms of reference and the quality of forensic collection. This analysis was necessary to satisfy the minimum standards required of any future legal process, as well as to enable the investigation to discard certain theories while testing and scrutinizing other theories.

21. As a result, further forensic study of the crime scene will be carried out, including the examination of surrounding areas, types and origin of the explosives,[2] conducting important DNA analysis as well as a thorough examination of the damaged vehicles.

22. *Forensic examination of the crime scene.* It is likely that fragments from relevant vehicles are still at the crime scene. Thus, even after the crime scene is designated as "clean" of forensic evidence and handed over to the Lebanese authorities for redevelopment, the Commission will continue to provide forensic coverage for the blast affected area, in case any other forensic-related evidence is found.

23. *DNA examination.* The Commission deems it necessary to establish the ethnic and regional origin of the single unidentified person whose human remains have been found at the crime scene and to complete an inventory of DNA samples that have been collected and analysed to date. Also, parts of the driving compartment of the Mitsubishi truck have been collected and will be tested for explosives residues, DNA and/or fingerprints. They will, thus, be submitted for forensic examination and comparative analysis.

[2] See S/2005/775, para. 40.

24. *Inventory of forensic exhibits*. A complete inventory of all forensic exhibits is being established to record essential data, including the type of exhibit, picture, date and origin of collection, identity of the examining person and actual location.

25. *Exact time of blast/s*. The time of occurrence given by the report of the initial fact-finding commission (S/2005/203), namely 1256:26 hours, and by the National Centre for Geophysical Research in Lebanon, namely 1255:05 hours, differ. It is crucial to establish the reasons for a time difference of apparently 1 minute and 21 seconds and then to determine the exact time of the blast/s, in order to integrate other forms of evidence concerning the implementation and mechanical aspects of the operation.

26. *Videotape analysis*. Further forensic and media-technical examination is required of the videotape of Ahmad Abu Addas[3] and its packaging, e.g., DNA, fingerprints, videotape analysis.

27. *Seismologic analysis*. While the seismologic analysis has been conducted by specialists in natural seismology, it is necessary to complement this with an analysis by specialists in artificial seismology to determine the properties of the explosion.

Properties of the blast/s

28. While there still remains contradictory information on whether the blast/s occurred underground or above ground (as well as on the immediate events surrounding the attack), the Commission is pursuing promising lines of inquiry and achieving clarity in this respect. It has prioritized its evaluation of possible road works occurring in the vicinity of the explosion prior to the detonation.[4]

Mitsubishi truck

29. In its second report,[5] the Commission discussed the line of inquiry surrounding a stolen Mitsubishi truck. This remains an ongoing initiative, with significant DNA analysis being scheduled and further information being sought as to the vehicle's origins and movements prior to the blast/s. It was stated that further investigation was required into an allegation that a Mitsubishi truck was seen in a camp in Zabadane, Syrian Arab Republic, shortly before the explosion.[6] This allegation needs to be further corroborated and remains an ongoing line of inquiry in the context of the evaluation of the information provider.

HSBC bank footage

30. The Commission noted in its previous report that certain individuals present at the crime scene and captured in the HSBC bank's closed circuit television footage had been acting suspiciously, and that further interviews would be required.[7] This line of inquiry remains open. Additional analysis of the HSBC footage is ongoing to support new lines of inquiry, in particular concerning the modus operandi of the perpetrators.

[3] See S/2005/662, para. 77, S/2005/775, para. 59.
[4] See S/2005/775, para. 43.
[5] Ibid., para. 42.
[6] Ibid., para. 73.
[7] Ibid., para. 44.

Modus operandi for the attack

31. There still remains no single unifying theory with comprehensive supporting evidence of how the execution of the operation was implemented. However, the Commission is closer to a more complete understanding of how the preparatory work was undertaken, how those who participated on the day performed their respective tasks, what those tasks were before, during and after the attack and of the overall modus operandi employed by the perpetrators for the attack.

32. Four investigative measures contribute to this understanding: (a) the collection of witness and victim testimony; (b) forensic investigation; (c) expertise in the means and methods assessments; and (d) overlaid application of analysis of communications patterns, both on the day of and in the lead-up to the crime. The latter aspect is being evaluated for authenticity and reliability. While the Commission has obtained significant results in this area over the past two months, it would not be appropriate to disclose any specific information at this stage of the investigation.

33. On a more general note, it has become clear that the means and methods of such a terrorist operation are more complex in their preparatory and planning stage, and simpler in their execution. The individuals who perpetrated this crime appear to be very "professional" in their approach, as they planned to a high percentage the likelihood for success and conducted the operation with high standards of individual and collective self-discipline. It must be assumed that at least some of those involved were likely experienced in this type of terrorist activity.

Other previously identified leads

34. In its second report, the Commission suggested that further investigation into the mooted delay of Mr. Hariri's motorcade[8] and into the apparent interference with telecommunications on 14 February 2005[8] would be undertaken, and that the origins of a call to Al-Jazeera[8] be further investigated. The first two topics have been largely dealt with by the Commission, and it has satisfied itself as to the findings and their relevance. The third topic remains under consideration, and the Commission is actively engaged in clarifying and developing the issue.

2. Those who committed the crime on the ground

35. The identification of the actual "on the ground" perpetrators of the crime on the day is an ongoing aspect of the investigation. The Commission believes it is inappropriate to comment extensively on this facet of its inquiry, but can state that it has made progress in the investigation and proactively continues to pursue its work into this component of the case.

3. Those who enabled the crime

36. The Commission believes that there is a layer of perpetrators between those who initially commissioned the crime and the actual perpetrators on the day of the crime, namely those who enabled the crime to occur. Participation in enabling the crime can be tangential or central to its perpetration, and can carry differing levels of criminal liability. Because this area of the investigation promises to be fruitful for

[8] Ibid., para. 73.

the Commission, it is being given priority. While the Commission has identified a number of individuals for interviewing or reinterviewing, as well as other forms of evidence for review, no further details can be disclosed at this stage due to the critical requirement for confidentiality.

37. The Commission is also actively pursuing several lines of enquiry identified in its previous reports. For example, the role of the *Al Ahbash* organization,[9] and members thereof, is still being evaluated for its relevance to the investigation. Likewise, the Commission's earlier suggestion to restore military intelligence archives for its review[10] remains an ongoing line of investigative inquiry. The Commission also continues to investigate and evaluate the extent to which certain intercepted telephone conversations referred to previously[11] provide any insight into the scope of involvement of key individuals in the assassination. Further, the reduction of security personnel for Mr. Hariri[8] is currently being evaluated in the context of its relevance and in relative terms of priority with other lines of inquiry. Similarly, the Commission is evaluating the documentation of orders by the Lebanese Internal Security Forces asking to place Mr. Hariri under surveillance.[8]

4. Those who commissioned the crime

38. Owing to the highly complex nature of the sponsoring, support and execution of terrorist activities, it is critical for the Commission to identify and utilize new forms of intelligence and information to establish links between the crime itself and those who enabled or commissioned it. The Commission is proactively pursuing a number of sources that can yield such data.

39. The Commission has also begun conducting a series of interviews aimed at clarifying the existence of an alleged informal oral agreement referred to in its previous report as the "Damascus Protocol".[12]

40. Regarding other previously identified leads, the Commission has evaluated the relevance of issues surrounding the affairs of the bank Al-Madina[13] and concluded that the issue remains a task for further investigation. The second report also mentioned that a fund operated by the former Director of Sûreté Générale was being cross-checked with other lines of inquiry.[14] This remains the case today and continues to be a factor for investigative consideration as and when appropriate.

41. Moreover, the Commission has undertaken a comparative telephone analysis cross-referencing numbers allegedly related to the Hariri assassination and the 14 other attacks.[15] This analysis has been completed as a preliminary exercise, and remains a priority task for further consideration. Similarly, the analysis with regard to a prepaid subscriber identity module (SIM) card user has been completed as a preliminary exercise[16] and remains a priority topic for the investigation.

[9] Ibid., para. 24.
[10] Ibid., para. 50.
[11] Ibid., para. 53
[12] Ibid., para. 56.
[13] Ibid., para. 70.
[14] Ibid., para. 71.
[15] Ibid., para. 66.
[16] Ibid., para. 67.

5. Interaction with the Lebanese authorities

42. In its resolution 1595 (2005), the Security Council requested that the Commission assist the Lebanese authorities in their investigation of all aspects of the 14 February 2005 terrorist act. In order to enable the Commission to discharge its duties, the Council stated that the Commission should enjoy the "full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession". In addition, the Council gave the Commission the authority to "collect any additional information and evidence", in particular to interview witnesses. The framework set out by the Security Council has been further refined in a memorandum of understanding of 13 June 2005 between the United Nations and the Government of Lebanon.[17]

43. The interaction between the Commission and the Lebanese authorities is the centrepiece of this novel joint national and international effort to identify the perpetrators, sponsors, organizers and accomplices of the terrorist attack of 14 February 2005. The Commission would like to commend the commitment displayed in this respect by the Prosecutor General of Lebanon and his office and the investigating judge in this case. Close coordination and effective interaction will become even more essential as and when the investigation is nearing its completion and the results of both the Commission's work and the Lebanese investigation will be used in a court of law.

Information-sharing and coordination

44. Numerous coordination meetings were held in recent months and case-related information has been shared, including witnesses and suspect statements. For instance, on 2 March 2006, the Commission received from the Lebanese authorities statements taken by Lebanese Internal Security Forces investigators regarding an important aspect of the investigation. In turn, on 3 March 2006, the Commission transmitted to the competent investigating judge seven binders of documents, including witness/suspect statements. On 8 March, the Commission's and the Lebanese authorities' forensic experts met to discuss the status of various DNA projects related to both the Hariri investigation and that of the 14 other terrorist attacks. Forensic coordination is critical to ensure that these 14 cases are being investigated adequately from a forensic perspective, both individually and horizontally.

45. These initiatives have already contributed towards strengthening the investigative capabilities and confidence of the Lebanese judicial and law enforcement agencies. It must be recalled that the Commission is primarily assisting the Lebanese authorities in their investigation. Hence, it must be ensured that all relevant information be shared with the Lebanese authorities in a timely fashion to enable the Lebanese judiciary to discharge its functions adequately. The Commission will thus, as a matter of policy, accompany any witness/suspect statements shared with the Lebanese authorities with its own assessment of the actual evidentiary value of the information provided.

46. Among the issues still to be clarified with the Lebanese authorities is that of information obtained from sensitive sources. Naturally, the Prosecutor General

[17] See S/2005/662, para. 5.

would like to have access to all information obtained from sensitive sources relevant to the ongoing investigation.

47. However, sensitive sources and potential witnesses who appear to possess credible information relevant to the investigation have on occasion conditioned their cooperation with the Commission upon the premise that their information will not be divulged to the Lebanese authorities. The Commission aims at finding a practical case-by-case solution to this issue that would allow for the testing of integrity and reliability of sources or potential witnesses. The ability of the Commission and the Lebanese authorities to keep and attract further potential insider witnesses will depend on the ability to protect them. A first meeting has taken place between the Prosecutor General's office and the Commission to begin discussions on the application of witness protection support programmes within the context of the national Lebanese judicial system, and possibly a tribunal of an international character. The discussions covered the full range of measures and procedures commonly associated with such programmes.

Suspects and arrests

48. In the course of the ongoing investigation into the attack of 14 February 2005, and in order to preserve their procedural rights, several individuals have been interrogated as suspects by the Lebanese judiciary and the Commission.[18] In total 14 suspects were arrested by the Lebanese and, in one case,[19] by the French authorities, some following a recommendation by the Commission.[20] To date, 10 individuals are still held in custody in connection with the Hariri investigation.

49. All these individuals are suspected of having committed crimes under the Lebanese Penal Code, the Weapons and Ammunitions Law, and the so-called Law dated 11 January 1958. The suspects can be grouped into three categories: (a) persons suspected of instigating and participating in the planning and execution of the crime, based on articles 270, 271, 314, 549 and 549/201 of the Penal Code, articles 2, 4, 5 and 6 of the Law dated 11 January 1958, and articles 72 and 76 of the Weapons and Ammunitions Law; (b) individuals suspected of withholding information concerning a crime committed against state security, forgery, or fraudulent use of personal documents, based on articles 398, 471 and 471/454 of the Penal Code, articles 2, 4, 5 and 6 of the Law dated 11 January 1958, and articles 72 and 76 of the Weapons and Ammunitions Law; and (c) individuals suspected of making false testimony, based on article 408 of the Penal Code.

III. Technical assistance in 14 other cases

50. In its resolution 1644 (2005), the Security Council authorized the Commission, following the request of the Government of Lebanon, to extend its technical assistance as appropriate to the Lebanese authorities with regard to their investigations of the terrorist attacks perpetrated in Lebanon since 1 October 2004, that is, the assassination attempts and assassinations and explosions that took place in Lebanon starting with the attack on Minister and Member of the Lebanese

[18] See S/2005/775, paras. 18 and 21.
[19] Ibid., para. 27
[20] See S/2005/662, para. 174.

Parliament Marwane Hamadeh on 1 October 2004.[21] The Council requested the Secretary-General, in consultations with the Commission and the Government of Lebanon, to present recommendations on whether to expand the mandate of the Commission to include investigations of those other attacks.

A. Progress in providing technical assistance

51. The Commission has offered assistance in seven substantive areas: crime analysis; legal analysis; forensic analysis and investigation; identification of next investigative steps, gaps and areas of strength; horizontal inter-case crime analysis; identification of any linkages of the 14 cases to the Hariri investigation; and identification of areas for future investigative capacity-building measures. Mindful of the Commission's continuing operational focus on the Hariri investigation, the provision of such assistance takes place on a case-by-case basis and is governed significantly by the amount of resources available to the Commission for these tasks. More detailed technical assistance may become necessary should preliminary assessments indicate potential linkages between the 14 cases or with the Hariri investigation.

52. The Commission met with the Prosecutor General of Lebanon on 1 February 2006 to discuss the modalities of the requested technical assistance to the Lebanese authorities. Based on a series of additional individual meetings with the relevant military and investigating judges in charge of these cases, the Commission developed an action plan. On 6 February, the Commissioner and the Prosecutor General, joined by the investigating judges, agreed on the modalities of their cooperation with respect to the investigation of those terrorist attacks perpetrated since 1 October 2004.

53. Between 8 and 24 February 2006, the Commission held 14 meetings with eight investigating judges responsible for the cases. The objective of the meetings was to understand the facts and merits of each individual case; to assess the status and progress of the investigation; to discuss any problems encountered during the investigations; and to hear the investigating judges' views on means to manage the investigative issues. Based on these meetings and additional documentation provided, the Commission conducted individual case analyses and established the respective requirements of each case in terms of technical assistance to be provided by the Commission.

54. In addition, the Commission visited the crime scenes of seven attacks for preliminary orientation and assessment purposes. It held meetings on 24 February 2006 with the Chief of the Explosives Department of the Scientific Police Division of the Lebanese Internal Security Forces and the Chief of the Explosives Ordinance Devices Unit (Engineer Battalion). A meeting was held with the Prosecutor General's office to discuss witness management and protection services, particularly in the light of the possible creation of a tribunal of an international character. The Commissioner also had a working meeting with the management of the Lebanese Internal Security Forces forensic laboratory to discuss the need for further support to establish adequate technical capabilities.

[21] See letter dated 13 December 2005 addressed to the Secretary-General from the Prime Minister of Lebanon (S/2005/783).

B. Attacks perpetrated in Lebanon since 1 October 2004

55. Following is an overview of the 14 cases in chronological order.

Number	*Date*	*Type of explosion*	*Area*	*Victims*
1	1 October 2004	Car bomb	Dar El-Mraisseh locality, California Street, Beirut	Marwane Hamadeh and driver wounded, bodyguard killed
2	19 March 2005	Bomb	New-Jdeidh, northern suburb of Beirut	11 persons wounded and serious material damage to buildings and cars
3	23 March 2005	Bomb	Altavista shopping centre, Kas'ik, north of Beirut	3 persons killed, 7 persons wounded and serious material damage to buildings and cars
4	26 March 2005	Bomb	Sid-El-Bouchria, north-east of Beirut	6 persons wounded and serious material damage to buildings and cars
5	1 April 2005	Bomb	Plaza shopping centre, Broumana, east of Beirut	9 persons wounded and serious material damage to buildings and cars
6	6 May 2005	Bomb	"Voice of Charity" radio station, Jounieh, north of Beirut	11 persons wounded and serious material damage to buildings and cars
7	2 June 2005	Victim's car	Ashrafieh locality, Beirut	Samir Kassir killed
8	21 June 2005	Victim's car	Wata Msaytbeh, Boustany Street, Beirut	George Hawi killed
9	12 July 2005	Car bomb	Naccache area, Beirut	Elias El-Murr and 2 other persons wounded and 1 person killed
10	22 July 2005	Bomb	Monot Street, Ashrafieh locality, Beirut	13 persons wounded and serious material damage to buildings and cars
11	22 August 2005	Bomb	Zalka locality, near Promenade Hotel, north of Beirut	11 persons wounded and serious material damage to buildings and cars
12	16 September 2005	Bomb	Naoum Libki Street, Ashrafieh locality, Beirut	1 person killed and 10 persons wounded and serious material damage to buildings and cars
13	25 September 2005	Victim's car	Ghadir locality, suburb of Beirut	May Chidiac seriously wounded
14	12 December 2005	Car bomb	Mkalles, north of Beirut	Gebran Tueni and 2 other persons killed

56. *Hamadeh case*. At around 0905 hours on Friday, 1 October 2004, a car exploded when Minister Marwane Hamadeh was driving on California Street, in the locality of Dar El-Mraisseh, Beirut. The explosion caused the immediate death of his security escort. Mr. Hamadeh and his driver sustained serious injuries.

57. *New-Jdeidh case*. At around 0030 hours on Sunday, 19 March 2005, an explosion took place at the locality of New-Jdeidh, a residential area north of Beirut. The bomb was placed close to a pillar of a building near a parked car. As a result of the blast, 11 persons were injured, 38 cars were damaged and the building sustained significant damage.

58. *Kaslik case*. At around 0045 hours on Wednesday, 23 March 2005, an explosion took place in the Altavista tower, a commercial centre, in Kaslik, north of Beirut. The area is known to be very crowded during the day but quiet, except for guards, at night. The blast caused the death of one guard and two of his friends and seven persons were slightly injured. The blast caused significant material damage.

59. *Bouchria case*. At 2125 hours on Sunday, 26 March 2005, an explosion took place at the locality of Sid-El-Bouchria, an industrial area with only carpentry and mechanics enterprises in the north-east of Beirut. The location of the explosion is about one kilometre distance from the location of the bomb explosion that occurred on 19 March 2005 (New-Jdeidh case). The bomb was placed behind a car and near a concrete pillar. The blast caused serious material damage to cars and buildings. A number of persons were wounded, sustaining minor injuries.

60. *Broumana case*. At around 2145 hours on Friday, 1 April 2005, an explosion took place in a commercial mall called "Plaza centre" in Broumana, east of Beirut. The bomb was placed close to a concrete pillar located near the door of the parking area. At that hour the commercial centre was closed. The blast damaged many shops and offices; nine persons were slightly injured.

61. *Jounieh case*. At around 2100 hours on Friday, 6 May 2005, an explosion took place at Central Street in Jounieh, near the building of the "Voice of Charity" radio station. The bomb was placed close to a concrete pillar of the building where the radio station offices are located. At that hour offices and shops were closed. After the blast, the radio stopped broadcasting for a few days. The blast caused destruction of at least two buildings. Several other buildings and cars were seriously damaged and 11 persons were injured.

62. *Samir Kassir case*. At around 1045 hours on Friday, 2 June 2005, an explosion took place in a small lane in Ashrafieh district, Beirut. The blast targeted the car of Samir Kassir, a prominent journalist. The car had been parked the night before, at around midnight, in front of Mr. Kassir's residence. The bomb exploded when Mr. Kassir sat down on the driver seat. He died as a result of the blast.

63. *George Hawi case*. At around 0950 hours, on Tuesday, 21 June 2005, an explosion took place near a gas station on Boustany Street in the locality of Wata Msaytbeh, in Beirut. The explosive charge targeted the car of George Hawi, a former leader of the Lebanese Communist Party. The car had been parked on the night of 20 June 2005. On 21 June 2005, Mr. Hawi left his house and sat in the front seat beside the driver. It was known that Mr. Hawi left his house at almost the same time everyday. The driver started the engine, drove off, and after several hundred metres the explosion occurred, killing Mr. Hawi and slightly injuring his driver.

64. *Elias El-Murr case.* At around 0945 hours on Tuesday, 12 July 2005, the former Minister of Interior, and current Minister of Defence, Elias El-Murr, left his house using his car to go to his office in Beirut. He was accompanied by two other persons and drove the car himself. In the Naccache area, they passed a parked car which exploded at around 1018 hours. A person who happened to pass by in his car was killed. Mr. El-Murr and his two companions were seriously injured in the explosion, which also caused serious material damage.

65. *Ashrafieh-Monot Street case.* At around 2145 hours on Friday, 22 July 2005, an explosion took place in the Ashrafieh-Monot area in Beirut. The site of the explosion is an open road leading to Monot Street. The bomb was placed near an abandoned house, between a wall and a car. The blast slightly injured 13 persons and caused damage to cars that were parked on both sides of the road.

66. *Zalka case.* At around 2200 hours on Monday, 22 August 2005, an explosion took place in an auxiliary road at Zalka, a commercial area located north of Beirut. The bomb was placed on the roof of a garage. The blast slightly injured 11 persons and partially damaged some cars.

67. *Ashrafieh-Naoum Libki Street case.* At around 2345 hours on Friday, 16 September 2005, an explosion took place in Naoum Libki Street in Ashrafieh, Beirut. The street has only residential buildings. The explosion caused the death of 1 person, slightly injured 10 persons and caused serious material damage.

68. *May Chidiac case.* At around 1740 hours on Sunday, 25 September 2005, in the Ghadir area, a bomb seriously wounded May Chidiac, a prominent journalist, as she had just entered the car. The car was parked in front of a friend's house and the bomb was placed under the driver's seat.

69. *Gebran Tueni case.* At around 0950 hours on Monday, 12 December 2005, in the Mkalles area, an explosion took place causing the death of Gebran Tueni, his driver, and a security escort. Mr. Tueni, a Member of Parliament and head of the newspaper *An-Nahar*, had returned the previous day from Paris. Mr. Tueni had left Lebanon after the assassination of Mr. Hariri to reside in France because of threats against his life.

C. Initial comparative review of the 14 other cases

70. An initial comparative review of the available information appears to reveal certain characteristics common to the 14 crimes. For example, the Commission notes that three of these terrorist acts were perpetrated against politicians, using vehicle bombs, three others targeted two journalists and a politician, using booby-trapped vehicles and eight bomb explosions seemingly targeted the urban infrastructure.

Car bomb cases

71. In the car bomb cases, which occurred on Friday, 1 October 2004, Tuesday, 12 July 2005 and Monday, 12 December 2005, the perpetrators targeted three well-known politicians, Marwane Hamadeh, Elias El-Murr and Gebran Tueni. The first is a Druze Muslim while the other two are Christian Orthodox. Mr. Hamadeh is currently the Minister of Communications in Lebanon. Mr. El-Murr is the son-in-law of President Emile Lahoud and currently the Minister of Defence. Mr. Tueni

was the nephew of Mr. Hamadeh and a well-known journalist heading the newspaper *An-Nahar*. Mr. Tueni had run as a candidate in the last elections and won a seat as a Member of Parliament.

72. The car bombs used in these three cases were placed in a Mercedes E300, a Mitsubishi Montero Sport and a Renault Rapid. It is alleged that in the blast targeting Mr. Hamadeh's car, 10 kilograms of TNT were placed between the back seat and the trunk and directed towards the outside; in the other two cases, 40 kilograms of TNT were used as a charge. In all three cases, the detonation was probably triggered by a remote control device. In the case of Mr. Hamadeh, the car bomb was parked at the right side of the road and directly in front of a road bump. In the case of Mr. El-Murr, his car was struck by a car bomb that was placed in a vehicle at the right-hand side of an up-hill road. In the case of Mr. Tueni, the car bomb was parked in an ascending curved road. Following the assassination of Mr. Tueni, a Muslim fundamentalist group, called "The fighters for the unity and freedom of Bilad El-Cham", sent a fax to a newspaper based in London, claiming responsibility for the assassination of both Gebran Tueni and Samir Kassir.

Booby-trapped car cases

73. These three blasts took place on Friday, 2 June, Tuesday, 21 June, and Sunday, 25 September 2005 targeting prominent media figures and a politician in Lebanon, Samir Kassir, Georges Hawi and May Chidiac. The first two were Christian Orthodox, while the third is a Christian Maronite. All three were well known for their criticism against the Syrian presence in Lebanon and had intensified their criticism following the assassination of Mr. Hariri in their articles, television shows and public statements in general.

74. In each case, the location where their cars were parked at the time of the explosion was unguarded. Mr. Kassir and Mr. Hawi had parked their cars, around midnight, the night before the blasts. Ms. Chidiac had parked her car in front of a friend's house. Mr. Kassir and Mr. Hawi died immediately as a result of the blasts, while Ms. Chidiac, protected by the strong frame of her vehicle, survived the explosion but was seriously injured.

75. In the cases of Ms. Chidiac and Mr. Hawi, the bombs were attached to their cars, while in the case of Mr. Kassir, it is still unclear whether the bomb was attached to the car or placed on the ground underneath the car. It is unclear whether Mr. Kassir and Ms. Chidiac had started their cars before the blast, while Mr. Hawi had already travelled several hundred metres, sitting in the passenger seat. In all three cases, the bombs had been located underneath the seat of the targeted persons. It is possible that the perpetrators wanted to harm only the targeted person and not necessarily other passengers in the cars.

Bomb explosion cases

76. Eight bombs exploded between 19 March and 16 September 2005. Four of these blasts took place on Fridays, 1 April, 6 May, 22 July and 16 September 2005. A hypothesis being examined is that the pattern of these blasts, taking into consideration the time of the blast and the choice of the location, could indicate that the perpetrators did not have the intention of carrying out targeted assassinations. Rather, they appear to have intended to damage the infrastructure or spread fear among the public.

77. The neighbourhoods where the blasts occurred are commercial and/or residential and considered to be areas inhabited by Orthodox and Maronite Christians. Ashrafieh, where two blasts occurred, is perceived as a Christian neighbourhood. Five explosions took place between 2100 hours and 2200 hours: in Bouchria, Jounieh, Zalka, Broumana and on Monot Street in Ashrafieh. Some of the locations are known to be crowded during the day but quiet at night and only attended to by guards. The remaining three blasts occurred after 2200 hours: in Naoum Libki Street, Ashrafieh (at 2345 hours), in New-Jdeidh (at 0030 hours) and in Kaslik (at 0045 hours), all three in residential areas. The blasts injured persons and caused significant and serious damage to the surrounding buildings and vehicles. In two blasts, in the Kaslik case and the Ashrafieh-Naoum Libki Street case, it appears from the records of the Lebanese investigations that a total of four persons have died.

78. In these cases, the bomb was placed near locations such as a concrete pillar, an auxiliary road that was quiet and empty, a garage roof or an abandoned house. The charges used for the blasts varied between 8 kilograms and 35 kilograms. In four cases the charge was 25 kilograms. Most of the bombs were put in plastic bags, except for one case, where the bomb was put in a black rucksack or backpack. In all the cases the forensic experts stated that the detonation was triggered either by remote control or a timed device.

79. At this stage, taking into account the qualitative level of the investigations conducted in all 14 cases and of the evidence currently available, it is too early to conclude or even make an assumption that any of the 14 other cases are linked either with each other or with the Hariri case. However, the Commission remains actively engaged in evaluating any information emanating from each of these 14 cases against the backdrop of this hypothesis.

D. Findings emanating from the provision of technical assistance

80. Following is a list of the Commission's main observations during its interactions with the Lebanese judicial and law enforcement institutions. The findings have been discussed with the investigating judges and should be addressed expeditiously by providing the necessary capacity, training, and further technical assistance to support the Lebanese investigations into the 14 terrorist acts.

81. All Lebanese judges agree with the finding that the crime scenes were interfered with in the immediate aftermath of the blast/s, although not necessarily maliciously. In several cases, when the investigating judges arrived at the crime scene they found a crowd of people on the scene. This demonstrates that while several security agencies were usually present at the crime scene, an effective securing of the scene did not occur. Thus, coordination between the different security services needs to be improved; clear lead responsibilities need to be defined for such basic but critical activities, as failure impacts negatively on the ability to conduct effective investigations at the crime scene.

82. It is also likely that the intervention of firefighters and other first-responders, a situational necessity, has made forensic collection of residual explosives and other material evidence more complicated. This is particularly true given the lack of in-depth forensic expertise in Lebanon, most notably in the area of forensic crime

scene management and procedure, and of adequate technical resources for specialized units, which currently have only basic equipment, supplies and tools.

83. Coordination between the investigating judges of the 14 cases is not seamless, especially as they have numerous other cases to investigate. This is compounded by their occasional difficulties in gaining access to information and intelligence products. The Commission has thus suggested to the Lebanese authorities that investigating judges with specific expertise or experience in terrorism investigations be assigned to these cases.

84. The security services use investigative techniques with no analytical capacity and electronic tools, and lack such technical administrative resources as computers and photocopy machines.

85. As a result, the lack of progress made to date in the investigations of the 14 other terrorist acts committed since 1 October 2004, appears, in the Commission's opinion, to strain the confidence in, and trust between, the judiciary, the various security forces, the families of victims and the public in general.

Next steps

86. Individual discussions have taken place with each investigating judge and with the office of the Prosecutor General concerning a number of areas that would benefit from future technical assistance and a greater development of capacity to enable investigations to be undertaken more effectively. These measures are currently subject to further discussions between the Commission and the Lebanese authorities.

87. The Commission continues to extend technical assistance in the form of forensic and crime analysis capacity for each individual case, and provides its expertise by conducting comparative analysis with the Hariri investigation.

88. While it is not within the mandate of the Commission to conduct a comprehensive assessment of the functioning of the Lebanese judicial and law enforcement agencies, the Commission continues to interact closely with all relevant institutions to provide advice and guidance, as asked and as appropriate, and within the overall mandate and capacity of the Commission.

IV. International cooperation

89. All States are required to cooperate fully with the Commission. In its resolution 1595 (2005) the Security Council unequivocally calls upon all States and all parties to cooperate fully with the Commission. This obligation is reaffirmed in resolution 1636 (2005) and 1644 (2005) in which the Security Council called upon all States to extend to the Lebanese authorities and to the Commission the assistance they might need and request in connection with the inquiry, and in particular to provide them with all relevant information they might possess pertaining to the terrorist attack. Cooperation of all Member States, as and when appropriate, is of critical importance to the Commission as the successful completion of its work depends on it. During the reporting period, the Commission has thus continued to request assistance from Member States on both judicial and technical matters.

A. Cooperation with the Syrian Arab Republic

90. Security Council resolution 1595 (2005) and resolutions 1636 (2005) and 1644 (2005), both adopted under Chapter VII of the Charter of the United Nations, require the Syrian Arab Republic to cooperate fully with the Commission. Based on this framework, the Commission has pursued its efforts to obtain full and unconditional cooperation from the Syrian Arab Republic, on both legal and operational matters.

91. In its previous reports, the Commission highlighted several instances of difficulty encountered when seeking cooperation from the Syrian authorities. In order to address the real and urgent need to make progress on this issue, in the interest of expediting the investigation, the Commissioner twice met with senior Syrian officials to discuss the practical modalities of their cooperation. On 23 February 2006, the Commissioner met with the Syrian Minister for Foreign Affairs, the Deputy Minister for Foreign Affairs, the Legal Adviser of the Ministry of Foreign Affairs, and the Chairman of the Syrian Special Judicial Commission in Damascus. On 7 March, the Commissioner met again with the Deputy Foreign Minister and the Legal Adviser, this time in Beirut. As a result, the Commission has now reached a common understanding with the Syrian Arab Republic of the legal framework for their cooperation and of certain practical modalities to facilitate the expeditious implementation of the Commission's requests for assistance. The understanding will be tested in the upcoming months.

1. Framework of cooperation

Legal framework

92. It is understood that the legal framework for the Commission's operations and activities is principally formed by the body of relevant Security Council resolutions, most notably resolutions 1595 (2005), 1636 (2005) and 1644 (2005), and the recognized standards of international criminal law, taking into account national law where consistent with such standards. Thus, there is no need for a separate cooperation agreement between the Commission and the Syrian Arab Republic. The Commission applies its own procedures, consistent with generally recognized standards of criminal procedure. As far as executing investigative measures within the jurisdiction of the Syrian Arab Republic, the Commission will, as appropriate, take into account Syrian law and judicial procedures.

Access to information and sites in the Syrian Arab Republic

93. According to Security Council resolution 1595 (2005) and 1636 (2005), the Syrian Arab Republic should grant the Commission full access to the documentary, testimonial and physical information and evidence it possesses that the Commission deems relevant to the inquiry. The resolutions further require the Syrian Arab Republic to grant the Commission full access to sites and facilities on Syrian territory. The Syrian Arab Republic has signalled its intention to comply fully with these resolutions. The Commission intends, as appropriate, to request full, unhindered and direct access to documents, facilities and sites, in the presence of Commission officials.

Location and modalities for witness interviews

94. Security Council resolution 1636 (2005) also vests authority in the Commission to determine the modalities of interview of Syrian officials and individuals it deems relevant to the inquiry. The Commission takes a practical and pragmatic approach with regard to the modalities and logistical aspects of interviews of Syrian citizens. It will therefore determine the location of interviews on a case-by-case basis, taking into account security and other concerns.

Interview of senior officials and the Head of State

95. Emphasizing the relevant provisions of Security Council resolutions 1595 (2005), 1636 (2005) and 1644 (2005), the Commission reaffirmed its right to interview any Syrian officials. The Syrian authorities have confirmed that members of the Government should be available for such interviews by the Commission. Moreover, following the two meetings between the Commission and Syrian Government officials, the Syrian Minister for Foreign Affairs informed the Commissioner on 9 March 2006 that a meeting with the President and another meeting with the Vice-President would take place during the upcoming month.

Procedures for the arrest of Syrian nationals

96. As stipulated in Security Council resolution 1636 (2005), should the Commission request the arrest of a Syrian official or individual suspected of involvement in the planning, sponsoring, organizing or perpetrating of the criminal acts at issue, the relevant Syrian authorities would be obliged to make that person "fully available to the Commission". The Syrian Arab Republic has signalled that it will fully comply with any such requests, including by arresting and making available to the Commission the person concerned, taking into account, as appropriate, Syrian legal procedures.

Communication with the Syrian authorities

97. There were differences of view in the past between the Commission and the Syrian authorities with regard to the role of the Syrian Special Judicial Commission. While the Commission encourages the Syrian Special Judicial Commission to effectively discharge its functions and collect information relevant to the inquiry, it is understood that the appropriate official interlocutor of the Commission remains the Government of the Syrian Arab Republic, represented by the Minister for Foreign Affairs.

2. Evaluation of information provided in response to Commission requests

98. The Government of the Syrian Arab Republic has, through the Syrian Special Judicial Commission, in particular in the past three months, formally complied with nearly all of the Commission's previous requests for assistance. It has provided responses on a number of specific issues that were raised with the authorities, some of which had been pending since November 2005. For instance, on 22 February 2006, the Syrian Special Judicial Commission informed the Commission that it had examined the archives of the military intelligence and reviewed records related to the political situation in Lebanon, as requested by the Commission. A number of reports concerning the security and political situation in Lebanon were handed over

to the Commission. These and other documents provided to the Commission are currently being reviewed for their relevance to the investigation.

99. Despite these encouraging steps, it is important to note that the Commission will ultimately judge cooperation of the Syrian authorities on the merits of the information provided and the promptness with which its requests are being accommodated. The Commission is currently in the process of preparing additional requests for assistance related to the Syrian presence in Lebanon and specific requests related to the assassination of Mr. Hariri. In order to ensure implementation of such requests, the Commission and Syrian authorities will hold regular working level meetings on cooperation matters.

B. Cooperation with other Governments and entities

100. The Commission has continued to request, through embassies in Beirut and permanent missions to the United Nations in New York, further judicial and technical assistance from Member States. In response, judicial and expert technical assistance was provided by several governments. The Commission welcomes, in particular, the valuable technical and judicial assistance it has received during the reporting period from France, the Netherlands, Japan and the United Arab Emirates. French authorities provided valuable logistical assistance during the interview of a witness residing on French territory and are expected to facilitate additional witness and suspect interviews. Netherlands forensic experts have assisted the Commission in providing technical assistance to the Lebanese authorities in 1 of the 14 other cases. The Commission has received substantial cooperation from the Japanese and the United Arab Emirates authorities in connection with the investigation into the theft of the Mitsubishi Canter truck, of which engine parts were found at the crime scene of the Hariri assassination.

101. The Commission is also grateful for the assistance received from international judicial and law enforcement organizations such as the ad hoc International Tribunals for the former Yugoslavia and Rwanda, the International Criminal Court, and law enforcement agencies such as Interpol. They have made available human resources assistance and qualified staff to assist the Commission in its work. As the investigation progresses further, this assistance will be increasingly crucial to the Commission. The Commission would, therefore, welcome additional assistance from individual governments and the above-mentioned institutions by making qualified and specialized human resources available.

102. In its earlier reports, the Commission had already highlighted the critical need for Member States to make available to the Commission specific information of immediate relevance to the investigation. This remains an area to be pursued with relevant Member States. At this stage, the Commission would welcome any information that would advance the investigation, whether it is directly linked to the crime or in support of the broader requirements relating to this complex case. In conformity with the well-established practice of international judicial or law enforcement institutions, any such information provided on a confidential basis would not be disclosed and would be used for internal investigative purposes only.

V. Organizational support

103. The imperatives of Security Council resolution 1644 (2005) to extend the Commission's mandate initially until 15 June 2006 and to expand it to incorporate the provision of technical assistance to the Lebanese authorities (in relation to the 14 cases that have occurred since 1 October 2004), and bearing in mind the possible establishment of a tribunal of an international character, presented a considerable challenge to the Commission in the early weeks of this reporting period. It was a priority for the incoming Commissioner to consolidate the Commission's financial, institutional, and managerial structure. Retaining and gradually strengthening its key investigative capacity and providing continuity in the leadership and substance of the investigations were the cornerstones of the Commission's organizational efforts during this transitional period.

104. In particular, the staffing situation encountered, most notably in the critical area of investigations, crime analysis, and forensics, was difficult in terms of lack of resources. The uncertainties surrounding the actual length of the Commission's mandate had led to the gradual departure of significant numbers of key staff, primarily investigators, since September 2005. By the end of 2005, such downsizing of the Commission's staffing level had reduced the number of investigators/analysts to 9 from previously 48 budgeted posts, and by February 2006, the number was 6. The Commission was forced to focus much of its initial attention on rebuilding a team based around the dedicated and professional capacity remaining without loss of momentum or direction for the investigation.

105. In this context, the Commissioner commends the exemplary dedication of the Commission's staff, particularly those still present since the very beginning of the investigation, in a highly volatile and constrained work/living environment. The Commissioner is paying particular attention to maintaining staff morale to sustain the high levels of commitment and professionalism currently displayed.

106. The Commission reviewed its entire staffing table, developed a new budget and appropriate job descriptions, and recruited a number of new multi-disciplined staff members, including by approaching international judicial and law enforcement institutions and Member States. All staff members presently employed are equipped with skills, qualifications and experience in complex investigations, counter-terrorism investigations, or international criminal law enforcement/justice initiatives, that are commensurate with the requirements of the expanded mandate. The Commission will need to continue to dedicate part of its efforts to the recruitment of qualified and professional staff in order to ensure sustainability of the investigation beyond the expiration of its current mandate and towards a possible tribunal of an international character.

107. In particular, the Commission enhanced its investigative capacity by adding two critical components to its existing structure: a legal advisory unit and an integrated support services component. These components are being staffed with specialists in the field of international investigations, international and comparative law, criminal analysis and other functional specialized areas of relevance. Both components will help to ensure that technical assistance to the Lebanese authorities continues to be provided comprehensively and with maximum professionalism. It will also enable the Commission to carry out "over the horizon" planning, as and when appropriate, to prepare for the transition of the investigation from the

Commission to a possible tribunal of an international character, or any other court of law.

108. The legal component provides legal advice on matters of international and Lebanese law and matters of cooperation with Member States. It will ensure internal legal consistency in the Commission's day-to-day work. It will also provide legal support to the operational activities of the investigation component. The integrated support services component will provide operational support to the various aspects of the Commission's ongoing investigative work. It will establish systems to improve the Commission's information management capability, forensics expertise and witness protection capacity, and ensure that all of the above operate at the highest levels of professional standards and methodology.

109. To support the large influx of information that has already been collected and is anticipated to further grow over the next three months, it is necessary to procure and manage electronic systems that ensure efficient data management. Adequate electronic analysis tools are fundamental to the progress of the investigation. In particular, the procurement of appropriate case management software will be crucial in portraying the legal construction of a case, ensuring relevant evidence is associated to individual legal elements and evidence thresholds are met for each case component.

110. Alongside the introduction of standard procedures for interviewing witnesses and suspects, sensitive source management and interpretation/translation management, and in order to ensure that case management capability is efficient and meets minimum legal standards, the following measures are being implemented to ensure the expanded and extended mandate can be fulfilled and remains sustainable: a single unified hard-copy filing system; a single unified electronic-copy filing and data retrieval system; a date-stamping receipt, storage and distribution system for incoming information; security protocols for electronic and hardcopy information storage; an external requests for assistance management and tracking system; a single unified protocol for liaison with Lebanese authorities; and a management system for authorization of missions and travel.

VI. Conclusions

111. With the expansion of its mandate and the prospect of a tribunal of international character on the horizon, the work of the Commission has entered into a new phase. It continues to extend its assistance to Lebanese authorities, building upon the work done in 2005 and is putting maximum investigative effort into the case of the killing of Rafik Hariri and 22 others. A significant number of new lines of inquiry, identified since January 2006, have already enabled faster-than-expected progress in two important areas. Along with the ongoing development and refinement of case knowledge, the Commission is confident that its support to the Lebanese authorities will result in a successful outcome to the investigations within a realistic time frame.

112. The Commission has begun the provision of further technical assistance to the Lebanese authorities for their investigations into 14 other alleged terrorist attacks since 1 October 2004. This aspect of its work is eliciting potentially significant areas of investigative development in linking these cases (or some thereof) together. The Commission is of the view that it is necessary to make short, medium and long-

term investments into the capacity of the relevant Lebanese judicial and law enforcement agencies in specific areas of expertise.

113. Interaction with the Lebanese authorities is close and frequent. The Commission will strive not only to maintain this excellent working relationship, but will continuously seek to find ways to further assist and enhance the interaction and information exchange. It must be noted that the Commission's capacity and mandate to provide technical assistance to the Lebanese authorities is limited. It can only provide preliminary assistance from its organic capacity, can identify future capacity requirements for the Lebanese authorities and enter into dialogue with States and other entities in pursuit of the fulfilment of those measures identified.

114. The Commission has laid the groundwork with the Syrian authorities for improved cooperation based on the framework set out by the relevant Security Council resolutions. It looks forward to receiving timely and relevant responses to its requests, as agreed by the Government of the Syrian Arab Republic.

115. The Commission has enjoyed good support from the United Nations system at all relevant levels. In the light of the continuing staffing requirements necessitated by the highly specialized levels of expertise required in many aspects of the Commission's work, human resources management will have to remain a priority focus for this interaction. Effective human resources management underpins the sustainability of the Commission's capability to perform its tasks and ensures it has the capacity to cope with future transitional requirements without deflecting from its core work objectives.

116. The Commission is fully aware of the limitations that its conservative approach to sharing case relevant information publicly and providing details on the pursuit of particular lines of inquiry may pose to the Security Council. The Commission would like to take this opportunity to assure Council members that this cautious approach is an integral part of its overall investigation strategy, and indeed, is standard investigation practice.